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State Ethics Commission

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NEWSLETTER

SEP 2 7 1984

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Columbia, S.C. 29201

January 1984

STATE DOCUMENTS

No. 84-002

COMPLAINT ACTIONS

The State Ethics Commission publicly reprimanded the officers of the Williamsburg County Political Action Council for failure to file a timely disclosure of campaign finances for elections held in 1982. Reprimanded at the Commission's July 19 meeting were E.I. Lawrence, President; Joe Tisdale, Jr., Treasurer; and Mary A. Kennedy, Secretary. The Council, which received contributions totalling \$6,900 in 1982, complied with the reporting requirements after the filing of the complaint.

The Commission held 11 hearings on September 20 concerning candidates and officeholders who had failed to properly file Statements of Economic Interests. Publicly reprimanded were David M. Hoff, Cottageville City Council, Stella Joyner, Marlboro Area #3 School Board, Oma DeLeon Moore, Snelling City Council, and Edmond H. Day, candidate for Columbia City Council. Leonard M. Bell, candidate for Hartsville City Council, as well as Day, were cited for failure to file a Campaign Disclosure Form within thirty days after their respective elections.

Six other public officeholders were referred to the Attorney General's Office since the Commission determined wilful disregard of the State Ethics Act in their being late in filing the Statement of Economic Interests this year and earlier years. Those referred to the Attorney General were Clifford Mays, Quinby City Council; John E. Winburn, Patrick City Council; William Parker, Clarendon #1 School Board; John H. Jones, Ravenel City Council; Terry W. McLain, Society Hill City Council; and Earl H. Brooks, Fairfax City Council.

On November 8, the Commission held a hearing and referred a complaint involving the Mayor of Hilda to the Attorney General's Office. Tracy G. Delk, Mayor of Hilda, was cited for demonstrating wilful disregard for the State Ethics Act in having filed the Statement of Economic Interests late during the last eight consecutive years.

FORMS MAILOUT

The Statement of Economic Interests forms to be filed by April 15, 1984 were mailed the first week in January to the home address of each person identified as being required to file the annual update. The State Ethics Act prescribes that the following persons are required to file the Statement of Economic Interests annually, regardless of compensation:

- (1) ALL ELECTED OFFICIALS OF THE STATE, COUNTIES, MUNICIPALITIES, AND POLITICAL SUBDIVISIONS*
- (2) ALL CANDIDATES FOR PUBLIC ELECTIVE OFFICE
- (3) ANY PERSON APPOINTED TO FILL THE UNEXPIRED TERM OF AN OTHERWISE ELECTIVE OFFICE
- (4) ALL EMPLOYEES OF REGULATORY AGENCIES WHO ARE ASSOCIATED WITH A REGULATED BUSINESS
- (5) SALARIED MEMBERS OF STATE BOARDS, COMMISSIONS, OR AGENCIES
- (6) THE CHIEF ADMINISTRATIVE OFFICIAL OR EMPLOYEE OF EACH STATE AGENCY OR DEPARTMENT, AND OF EACH COUNTY, MUNICIPALITY, AND POLITICAL SUBDIVISION*
- (7) THE DEPUTY ADMINISTRATIVE OFFICIAL OR EMPLOYEE OF EACH STATE AGENCY OR DEPARTMENT
- (8) THE DIRECTOR OF EACH SEPARATE INSTITUTION OR FACILITY OF A STATE AGENCY OR DEPARTMENT
- (9) ALL COUNTY BOARD OF EDUCATION AND SCHOOL DISTRICT BOARD MEMBERS
- (10) ALL COUNTY AND SCHOOL DISTRICT SUPERINTENDENTS OF EDUCATION
- (11) THE CHIEF FINANCE OFFICIAL OR EMPLOYEE OF EACH STATE AGENCY OR DEPARTMENT, AND EACH COUNTY, MUNICIPALITY, AND POLITICAL SUBDIVISION*
- (12) THE CHIEF PURCHASING OFFICIAL OR EMPLOYEE OF EACH STATE AGENCY OR DEPARTMENT, AND EACH COUNTY, MUNICIPALITY, AND POLITICAL SUBDIVISION*
- (13) ALL MEMBERS OF THE JUDICIARY

*Political Subdivision includes but is not limited to school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions.

Any person who has not received the form who fits into one of the above categories should contact the State Ethics Commission for a copy of the form.

DIGEST OF ADVISORY OPINIONS

SEC 84-018

November 8, 1983

**SUBJECT: POTENTIAL CONFLICT OF INTERESTS -
COUNTY COUNCIL MEMBER VOTING
ON APPROPRIATION**

A County Councilman would not be prohibited from participating in matters involving a county appropriation to the local University of South Carolina branch with which his spouse serves as a member of the faculty since the appropriation is to be used entirely for the maintenance of properties.

Requestor: James H. Hodges, County Attorney
Entity: Lancaster County

SEC 84-019

November 8, 1983

**SUBJECT: OFF-DUTY EMPLOYMENT OF
COLLEGE CRIME PREVENTION OFFICER**

A Crime Prevention Officer at a Technical College would not be prohibited from installing security devices on office equipment provided such work is consistent with the off-duty employment guidelines.

Requestor: Thomas A. Hendricks, Corporal
Entity: Crime Prevention Center, Trident TEC

SEC 84-020

November 8, 1983

**SUBJECT: LAW FIRM OF CITY COUNCILMAN
REPRESENTING CLIENTS IN CITY COURT**

**SUBJECT: LAW FIRM OF COUNTY COUNCILMAN
REPRESENTING CLIENTS IN CHARGES BROUGHT
BY COUNTY SHERIFF'S DEPARTMENT**

A City Councilman was advised that representation of clients in city courts or in actions against the city is incompatible with his public position. Further, a county councilman's representation of clients in connection with charges brought by the county sheriff's department is incompatible with his public position.

Requestor: James E. Brogdon, Jr., Attorney
Entity: Marion, SC

SEC 84-021

November 8, 1983

**SUBJECT: AGENCY GENERAL COUNSEL BEING
APPOINTED TO SERVE AS AGENCY CHAIRMAN**

It would not be prohibited for the General Counsel of the South Carolina Research Authority to be appointed Agency Chairman. The law firm is donating legal services to the Authority for a period of one year. The retention of that law as legal counsel after the expiration of the one year time period must be in accordance with the procedures and regulations

regarding procurement of legal services.

Requestor: James G. Lindley, Chairman
Entity: S.C. Research Authority

SEC 84-022

November 8, 1983

**SUBJECT: STATE EMPLOYEE SERVING
ON OSHA REVIEW BOARD**

A State employee is not prohibited from serving on the OSHA Review Board. The employee is advised to disclose her interests in and disqualify herself on any matters coming before that board involving her employer to avoid even the appearance of impropriety.

Requestor: Elaine C. Craft

Entity: Chesterfield-Marlboro TEC -
OSHA Review Board

SEC 84-023

November 8, 1983

**SUBJECT: OFFICIALS OF HOUSING AUTHORITY
PURCHASING AUTHORITY BONDS**

It is not prohibited for a staff member or commissioner of the S.C. Housing Authority to purchase bonds issued by the Authority provided no confidential information is utilized and no utilization of the public position is obtained in access to the bonds.

Requestor: Lewis Levy

Entity: SC State Housing Authority

SEC 84-024

November 8, 1983

**SUBJECT: COUNTY ATTORNEY PRACTICING
CRIMINAL LAW IN COURT OF GENERAL SESSIONS**

It is prohibited for a county attorney to represent clients in the Court of General Sessions when charges are brought by members of the County Sheriff's Department or by any agency of the county government.

Requestor: George M. Stuckey, Jr., County Attorney
Entity: Lee County

SEC 84-025

November 8, 1983

**SUBJECT: POTENTIAL CONFLICT OF INTEREST -
SLED EMPLOYEE PARTICIPATING IN DECISION
AFFECTING CLOSE FAMILY MEMBER**

An employee of the State Law Enforcement Division is advised not to participate in a decision concerning a convention headquarters for an association since the employee's father owns one of the hotels under consideration.

Requestor: Gerald W. Hamby, Lieutenant

Entity: SLED

**SUBJECT: DSS EMPLOYEE AS CANDIDATE
FOR HEALTH AND HUMAN SERVICES
FINANCE COMMISSION**

The State Ethics Act would not prohibit an employee of the Department of Social Services from being a candidate for or serving on the Health and Human Services Finance Commission. If appointed to serve, the employee would be required to follow the procedures of Section 8-13-460 regarding matters affecting his employment. Further, the Health Care Planning and Oversight Committee should be contacted to determine whether such employment conflicts with the enabling legislation.

Requestor: Manuel J. George, Personnel Director
Entity: DSS

SEC 84-027

November 8, 1983

**SUBJECT: ABC COMMISSION EMPLOYEE'S
ESTRANGED SPOUSE SEEKING BEER AND
WINE PERMIT**

An employee of the ABC Commission would not be in violation of Section 8-13-450 if her estranged spouse applied for and obtained a beer and wine permit.

Requestor: Nicholas P. Sipe, Exec. Dir.
Entity: ABC Commission

LEGISLATIVE UPDATE

Legislation recommended by the State Ethics Commission was introduced in the last session of the General Assembly by Representatives Ervin, Rawl, and Rudnick. H2766 would:

- (1) Eliminate a prohibition against acceptance of complaints against candidates in the fifty day period prior to an election
- (2) Prohibit disclosure of a complaint matter involving a candidate within thirty days of an election
- (3) Prohibit representation of clients before certain boards or commissions
- (4) Change the requirements of the Statement of Economic Interests to provide for disclosure of certain business and real estate interests
- (5) Prescribe a system of fines to be levied against persons who are late in filing required forms

In addition, H2787, also introduced by Representatives Ervin, Rawl, and Rudnick would provide for more comprehensive requirements for campaign finance disclosure; H2787 would:

- (1) Require establishment of checking accounts for deposit and disbursement of campaign funds
- (2) Require committees to pre-register with the State Ethics Commission and disclose information

**SUBJECT: ABC COMMISSIONER CONTRACTING
WITH GOVERNOR'S OFFICE**

An ABC Commissioner would not be precluded from contracting with the Governor's Office to provide services on nuclear energy and related environmental matters, provided that the provisions of the Consolidated Procurement Code and the Dual Employment Procedures are followed.

Requestor: Elliott D. Thompson, Attorney
Entity: Columbia, SC

SEC 84-029

November 8, 1983

**SUBJECT: COUNTY COUNCIL MEMBERS VOTING
ON REVISED PERSONNEL ORDINANCE**

County Council members who have close relatives employed by the County were advised against voting on a proposed Personnel Ordinance since there are several proposed changes which will affect the financial interests of the relatives.

Requestor: J. Marc Hehn, County Administrator
Entity: Dorchester County

- (3) Provide for pre-election filing of campaign finance reports
- (4) Prescribe certain usages of campaign funds
- (5) Establish maximum contributions of \$1,000 to statewide races and \$500 to local races
- (6) Prescribe that the person who paid for production and distribution of campaign literature be identified on such literature
- (7) Prohibit usage of public materials, equipment, and personnel in political campaigns and prohibit coercion of public employees

Both bills have been referred to the Special Laws Subcommittee of the House Judiciary Committee.

H2082, introduced by Representative McEachin, would provide for further regulation of lobbying and lobbyists by requiring lobbyists to file certain reports with the State Ethics Commission, rather than with the Secretary of State. The State Ethics Commission has recommended changes to the bill to provide for quarterly filing of expense statements with more detailed reporting than is presently required. Also included in this modified bill would be a requirement for state agencies to disclose their lobbying activity. Responsibilities and duties of the State Ethics Commission regarding lobbyists are further disclosed. H2082 has been referred to the Constitutional Laws Subcommittee of the House Judiciary Committee.

Entity: ABC Commission

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complaints against candidates in the fifty day

SEC 04-020 November 8, 1997

State Ethics Commission

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